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19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**
21 **SAN FRANCISCO DIVISION**

22 AMERICAN FEDERATION OF
23 GOVERNMENT EMPLOYEES, AFL-CIO, *et al.*,

24 Plaintiffs,

25 v.

26 DONALD J. TRUMP, in his official capacity as
27 President of the United States, *et al.*,

28 Defendants.

Case No. 3:25-cv-03070-JD

DECLARATION OF LEE SUTTON

Declaration of Lee Sutton
Case No. 3:25-cv-03070-JD

DECLARATION OF LEE SUTTON

I, Lee Sutton, declare as follows:

1. I am over 18 years of age and competent to give this declaration. This declaration is based on my personal knowledge, information, and belief.

2. I am the Federal Director of the National Association of Government Employees, Inc., also known as the National Association of Government Employees, SEIU Local 5000 ("NAGE"). NAGE, a national labor organization, is incorporated in the state of Delaware. NAGE is also an affiliate of the Service Employees International Union, SOC, CLC. NAGE's national headquarters is located at 159 Thomas Burgin Parkway, Quincy, Massachusetts, 02169. I have served as Federal Director since November 2017. Professionally, I am known as Lee Blackmon.

3. Founded in 1961, NAGE's mission statement is as follows:

NAGE is an organization of members united by the belief in the dignity and worth of workers and the services they provide, and dedicated to improving the lives of workers and their families and creating a more just and humane society.

We are public workers (federal, state, county, and municipal), police officers, firefighters, correctional officers, health care workers (nurses, paramedics, and emergency medical technicians), office workers, professional workers, and allied workers. We seek a stronger union to build power for ourselves and to protect the people we serve.

Women and men of every race, ethnicity, national origin, religion, age, physical ability and sexual orientation, we are the standard-bearers in the struggle for social and economic justice begun nearly half a century ago by shipyard workers

1 *who dared to dream beyond their daily hardships and to organize for economic*
2 *security, dignity and respect.*

3 4. NAGE provides services to its federal local members and employees in the form of
4 workplace representation, including, but not limited to, *Weingarten* representation, representation
5 in disciplinary-related matters, grievance handling, mediation, arbitration, representation in
6 formal discussions, and collective bargaining over terms and conditions of employment, as
7 allowed by federal law, representation related to claims of EEO discrimination and
8 whistleblower reprisal, and legal representation.
9

10 5. To provide support to NAGE's federal locals and bargaining unit members, NAGE
11 employs staff that includes regional representatives, in-house and contract attorneys,
12 communications specialists, legislative specialists, administrative support personnel, and other
13 professionals.

14 6. I first learned of President Trump's Executive Order titled *Exclusions from Federal Labor*
15 *Management Relations Programs* ("Exclusion Order") on March 27, 2025, when I was provided
16 a copy of related Office of Personnel Management guidance. NAGE was not given advance
17 notice of the Exclusion Order or an opportunity to rebut its assertions related to national security
18 as they apply to the represented bargaining units.
19

20 7. In addition to its many thousands of state, municipal, and private sector bargaining unit
21 employees, NAGE represents approximately 75,000 federal sector bargaining unit employees.
22 While the full impact of the Exclusion Order is still to be determined, NAGE represents non-
23 professional and professional bargaining units in agencies explicitly identified, including but not
24 limited to the Department of Defense, the Department of Veterans Affairs, the Environmental
25 Protection Agency, and the Department of Transportation. I believe that approximately 62,400
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1 NAGE federal bargaining unit employee members are covered by the Executive Order. Members
2 of the impacted bargaining units are located in approximately 35 states across the country.

3 8. NAGE bargaining unit members do not engage in intelligence, counterintelligence,
4 investigative, or security work that directly impacts national security. They include
5 groundskeepers, janitorial staff, cashiers, warehouse workers, childcare providers, drivers,
6 administrative staff, healthcare providers, contract specialists, information technology specialists,
7 technicians, engineers, support personnel, first responders, and many others.

8 9. NAGE represents approximately 40,000 bargaining unit employees working at Defense
9 agencies, including but not limited to the Army and Air Force Exchange Services, the Defense
10 Commissary Agency, the Navy Exchange, the Defense Intelligence Agency, and service
11 branches, including the Army, Air Force, Marine Corps, Navy, and National Guard.

12 10. NAGE represents approximately 22,000 employees working at the Department of
13 Veterans Affairs. NAGE members serve veterans in a variety of capacities, including as
14 physicians, nursing staff, pharmacists, technicians, medical support assistants, counselors,
15 therapists, administrative staff, food service workers, groundskeepers, janitorial staff, cemetery
16 workers, and many other roles.

17 11. NAGE represents approximately 400 employees working at the Environmental Protection
18 Agency in various positions.

19 12. NAGE represents approximately 800 employees working at the Federal Aviation
20 Administration and the U.S. Volpe National Transportation Center, which are part of the
21 Department of Transportation, in various positions, including flight data specialists, engineers,
22 scientists, community planners, and others.

23 13. Specifically, in California, I estimate that NAGE represents approximately 8,000 federal
24 bargaining unit employees working for the VA and DoD agencies. In the Northern District of
25

1 California, NAGE represents approximately 350 Army and Navy civilian bargaining unit
2 employees, who are based at multiple locations, including NSA Monterey, Moffett Field, Camp
3 Parks, Fort Hunter Liggett, and Parks Reserve Forces Training Area. These bargaining unit
4 employees hold various positions or fields, including public works, facilities management,
5 administration, accounting, budget analysis, logistics management, and many others.

6 14. Overall, NAGE represents approximately 62,400 civilian employees working in
7 Excluded Agencies, including DOD, VA, and EPA, across the United States.

8 15. NAGE is party to pending litigation challenging the Administration's Deferred
9 Resignation or Fork Program. Through that litigation, NAGE secured an initial temporary
10 restraining order, which was later rescinded. NAGE as an organization or through its National
11 President, David J. Holway, issued statements regarding pending litigation or the Trump
12 administration actions related to federal employees, to include but not limited to:

13 <https://www.nage.org/post/trump-s-deferred-resignation-plan-blocked-by-ma-judge;>
14 <https://www.nage.org/post/hands-off;> [https://democracyforward.org/work/fork-directive-](https://democracyforward.org/work/fork-directive-scheme/)
15 [scheme/;](https://www.peoplesworld.org/article/unions-lose-bid-to-stop-massive-trump-federal-buyout-plan/) [https://www.peoplesworld.org/article/unions-lose-bid-to-stop-massive-trump-federal-](https://www.peoplesworld.org/article/unions-lose-bid-to-stop-massive-trump-federal-buyout-plan/)
16 [buyout-plan/;](https://www.bostonglobe.com/2025/03/07/metro/va-70000-jobs-cuts/) and [https://www.bostonglobe.com/2025/03/07/metro/va-70000-jobs-cuts/.](https://www.bostonglobe.com/2025/03/07/metro/va-70000-jobs-cuts/)

17 16. Since January 20, 2025, NAGE and its local units have filed various grievances related to
18 actions by the Department of Veterans affairs and other agencies apparently at the direction of
19 the Trump administration on matters such as the return to office, five bullet point emails, the
20 deferred resignation programs, and various agencies failure to bargain or provide information to
21 the NAGE as required by law. At the time of this declaration, most, if not all, grievances remain
22 pending.

23 17. Voluntary dues through payroll deduction are the financial backbone of the NAGE
24 federal sector labor union, enabling it to effectively advocate for members' rights, wages, and
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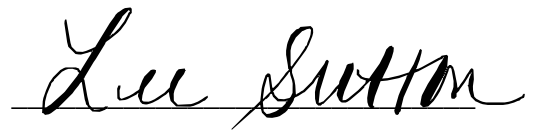
1 working conditions. Unlike private sector unions, federal sector unions cannot require
2 membership or mandatory dues. Unions like NAGE are necessary to provide fair representation
3 to employees in the bargaining unit, as outlined in the applicable collective bargaining
4 agreement, regardless of their dues-paying status.

5 18. NAGE services for its members and support staff that provide such services are funded
6 through dues. While NAGE has yet to receive formal notice regarding the suspension of dues
7 through automatic payroll deduction, once it takes effect, NAGE estimates that it will lose
8 approximately \$4 million in annual dues receipts. Eventually, such cuts will likely result in
9 reductions in member services and staff.

10 19. Official time received by NAGE local union officials is either required by law to
11 negotiate a collective bargaining agreement or to participate in proceedings before the Federal
12 Labor Relations Authority. Any additional official time must be negotiated between the Agency
13 and the applicable union. The parties agree that such time is reasonable, necessary, and in the
14 public interest. Negotiated official time often results in only a few hours per year for each
15 employee in a bargaining unit. Use of official time is time approved by the Agency. Official time
16 may not be used for internal union business, such as soliciting membership, electing labor
17 organization officials, or collecting dues.

18 20. Since the issuance of the Executive Order on March 27, 2025, NAGE has received notice
19 that scheduled negotiations related to the return to office with the Department of Veterans Affairs
20 have been canceled until the agency receives further guidance. NAGE expects to receive
21 additional notices related to the Executive Order in the coming days.

22 I declare under penalty of perjury under the laws of the United States that the foregoing is
23 true and correct. Executed April 3, 2025, in Clinton, Maryland.

A handwritten signature in black ink, reading "Lee Sutton", written over a horizontal line.

Lee Sutton

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